

**BARNES & THORNBURG**

600 One Summit Square  
Fort Wayne, Indiana 46802  
(260) 423-9440  
Fax: (260) 424-8316

**PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Customer No.: 23641  
Attorney  
Docket No.: 262600/82641  
First Named  
Inventor: Seiy, Michael M.  
Title: APPARATUS AND  
METHOD FOR  
AUTOMATICALLY  
LEVELING AN OBJECT

**Certificate Under 37 CFR 1.10**

Express Mail Label No. EV 329 805 714 US

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

on September 11, 2003

Stacey E. Tolar  
Stacey E. Tolar

00746 U.S. PTO  
10/659990  
09/11/03

**UTILITY PATENT APPLICATION TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

1. ☒ **Fee Transmittal Form (e.g., PTO/SB/17)**  
(Submit an original and a duplicate for fee processing)
2. ☒ **Applicant claims small entity status.**  
See 37 CFR 1.27.
3. ☒ **Specification** [Total Pages 27 ]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ **Drawing(s) (35 U.S.C. 113)** [Total Sheets 8 ]
5. ☒ **Oath or Declaration (2 separate Oaths)**  
[Total Pages 5 ]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ **2 separate Copies from a prior application (37 CFR 1.63(d))**  
(for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ **Application Data Sheet.** See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☒ **37 CFR 3.73(b) Statement** ☒ **Power of Attorney**  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS Citations Statement (IDS)/PTO-1149
13. ☐ Preliminary Amendment
14. ☒ **Return Receipt Postcard (MPEP 503)**  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ **Other:** Check for \$375.00

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation    ☐ Divisional    ☐ Continuation-in-part (CIP)    of prior application No.: 09/522,545

Prior application information: Examiner: Elaine L. Gort    Group/Art Unit: 3627

For CONTINUATION OR DIVISIONAL APPLICATIONS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

  
\_\_\_\_\_  
Gregory S. Cooper  
Reg. No. 40,965

Date: September 11, 2003

Send Fees and Completed Form to:

Mail Stop Patent Application  
Commissioner of Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

FWDS01 GSC 174868\_1  
Rev. (08/03)

600 One Summit Square  
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Stacey E. Tolar

2. ☒ Check    ☐ Credit Card    ☐ Money Order    ☐ Other ☐ None



## FEE CALCULATION

### 1. Basic Filing Fee:

Large Fee Code	Entity Fee	Small Fee Code	Entity Fee	Fee Description	Fee Paid
1001	\$750.00	2001	\$375.00	Utility Filing Fee	375.00
1006	\$750.00	2006	\$375.00	Utility Filing Fee (CPA)	
1002	\$330.00	2002	\$165.00	Design Filing Fee	
1007	\$330.00	2007	\$165.00	Design Filing Fee (CPA)	
1003	\$520.00	2003	\$260.00	Plant Filing Fee	
1004	\$750.00	2004	\$375.00	Reissue Filing Fee	
1005	\$160.00	2005	\$80.00	Provisional Filing Fee	
SUBTOTAL (1)					375.00

### 2. Extra Claim Fees:

			Extra Claims		Fee from Below		Fee Paid
Total Claims	19	-20**=	0	x	9.00	=	0.00
Independent Claims	3	- 3**=	0	x	42.00	=	0.00
Multiple Dependent Claim						=	0.00
SUBTOTAL (2)							0.00


Large Fee Code	Entity Fee	Small Fee Code	Entity Fee	Fee Description
1202	\$18.00	2202	\$9.00	Claims in excess of 20
1201	\$84.00	2201	\$42.00	Independent claims in excess of 3
1203	\$280.00	2203	\$140.00	Multiple dependent claims, if not paid
1204	\$84.00	2204	\$42.00	** Reissue independent claims over original patent
1205	\$18.00	2205	\$9.00	** Reissue claims in excess of 20 and over original patent

\*\* or number previously paid, if greater; For Reissues, see above. For multiple dependent claims, pay fee only once no matter how many multiple dependent claims you have.

### 3. Additional Fees:

Large Fee Code	Entity Fee	Small Fee Code	Entity Fee	Fee Description	Fee Paid
1051	\$130.00	2051	\$65.00	Surcharge - late filing fee or oath	
1052	\$50.00	2052	\$25.00	Surcharge - late provisional filing fee or cover sheet	
1053	\$130.00	1053	\$130.00	Non-English specification	
1812	\$2,520.00	1812	\$2,520.00	For filing a request for ex parte reexamination	
1804	\$920.00*	1804	\$920.00*	Requesting publication of SIR prior to Examiner action	
1805	\$1,840.00*	1805	\$1,840.00*	Requesting publication of SIR after to	

				Examiner action	
1251	\$110.00	2251	\$55.00	Extension for reply within first month	
1252	\$410.00	2252	\$205.00	Extension for reply within second month	
1253	\$930.00	2253	\$465.00	Extension for reply within third month	
1254	\$1,450.00	2254	\$725.00	Extension for reply within fourth month	
1255	\$1,970.00	2255	\$985.00	Extension for reply within fifth month	
1401	\$320.00	2401	\$160.00	Notice of Appeal	
1402	\$320.00	2402	\$160.00	Filing a brief in support of an appeal	
1403	\$280.00	2403	\$140.00	Request for oral hearing	
1451	\$1,510.00	1451	\$1,510.00	Petition to institute a public use proceeding	
1452	\$110.00	2452	\$55.00	Petition to revive - unavoidable	
1453	\$1,300.00	2453	\$650.00	Petition to revive - unintentional	
1501	\$1,300.00	2501	\$650.00	Utility issue fee	
1502	\$470.00	2502	\$235.00	Design issue fee	
1503	\$630.00	2503	\$315.00	Plant issue fee	
1504	\$300.00	1504	\$300.00	Publication Fee for early, voluntary, or normal Publication	
1460	\$130.00	1460	\$130.00	Petitions to the Commissioner	
1807	\$50.00	1807	\$50.00	Processing fee for provisional applications	
1806	\$180.00	1806	\$180.00	Submission of Information Disclosure Statement	
8021	\$40.00	8021	\$40.00	Recording each patent assignment per property (times number of properties)	
1809	\$750.00	2809	\$375.00	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	\$750.00	2810	\$375.00	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	\$750.00	2801	\$375.00	Request for Continued Examination (RCE)	
1802	\$900.00	1802	\$900.00	Request for expedited examination of a design application	
Other fee (specify): _____					
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3)	0.00

  
 Gregory S. Cooper  
 Reg. No. 40,965

Date: September 11, 2003

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(Rev. 08/03)

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## PATENT APPLICATION

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METHOD FOR	}	Application, Commissioner for Patents,
AUTOMATICALLY	}	P. O. Box 1450, Alexandria, VA 22313-1450
LEVELING AN OBJECT	}	
	}	on <u>September 11, 2003</u>
	}	
	}	
	}	Stacey E. Tolar

**STATEMENT UNDER 37 CFR 3.73(b)**


Mail Stop Patent Application  
Commissioner of Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Days Corporation, a corporation of Indiana, states that it is the assignee of the entire right, title and interest in the patent identified above by virtue of two separate assignments from the inventors, James N. Sproatt, Alice E. Poseley, Michael M. Seiy, and Mark M. Eichhorn of the U.S. Utility Patent Application Serial Number 09/522,545, filed on March 30, 2000, entitled "Apparatus and Method for Automatically Leveling an Object." The first assignment was executed by the inventors, James N. Sproatt, Alice E. Poseley, and Michael M. Seiy, and was recorded in the Patent and Trademark Office at Reel 011922, Frame 0116. The second assignment was executed by the inventor, Mark M. Eichhorn, and was recorded in the Patent and Trademark Office at Reel 012409, Frame 0325.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

Date: September 11, 2003

  
\_\_\_\_\_  
Gregory S. Cooper  
Reg. No. 40,965  
Attorney of Record

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